

STATE OF IOWA

CHESTER J. CULVER, GOVERNOR PATTY JUDGE, LT. GOVERNOR DEPARTMENT OF EDUCATION JUDY A. JEFFREY, DIRECTOR

DATE: September 12, 2008

TO: Administrators of Public School Districts

Administrators of Accredited Nonpublic Schools

AEA Administrators

FROM: Kevin Fangman, Administrator

Division of PK-12 Education

SUBJECT: Guidance on Senate File 2425 otherwise known as the "Healthy Kids Act."

The purpose of this memo is to provide background information about the requirements of the "Healthy Kids Act" and inform school districts, accredited nonpublic schools, and AEAs of the actions the lowa Department of Education (Department) is taking; and to outline what actions need to be taken beginning in the 2009-2010 school year. School districts will be required to implement applicable parts of the Healthy Kids Act on July 1, 2009. Additional guidance will come out in early 2009 after the rulemaking process is complete. The Healthy Kids Act does the following:

- Requires the adoption of rules by the State Board of Education that establish nutritional content standards for food and beverages sold or provided on school grounds.
- Convenes a nutrition advisory panel in collaboration with the Department of Public Health to review research on pediatric nutrition to make recommendations to the State Board regarding the nutritional standards.
- Establishes physical activity requirements for all K-12 students.
- Convenes a working group of elementary and secondary fitness professionals and stakeholders to assist the Department in developing physical activities and models that will describe ways in which school districts may incorporate physical activities for students.
- Requires every student by the end of grade twelve to complete a certification course for cardiopulmonary resuscitation (CPR).
- Requires AEAs, or a consortium of two or more AEAs, to contract with a licensed dietician for the support of nutritional provisions in individual education plans and provide information to support school nutrition coordinators.

Nutritional Content Standards for Food and Beverages

(Amends Iowa Code Section 256.7, Code Supplement 2007, new subsection 29) The Department shall adopt rules establishing nutritional content standards for foods and beverages sold or provided on the school grounds of any school district or accredited nonpublic school during the school day exclusive of the food provided by any federal school food program or pursuant to an agreement with any agency of the federal government in accordance with the provisions of Chapter 283A, and exclusive of foods sold for fundraising purposes and foods and beverages sold at concession stands. The standards shall be consistent with the dietary

guidelines for Americans issued by the United States Department of Agriculture Food and Nutrition Service.

The Department is convening, in collaboration with the Department of Public Health, a nutrition advisory panel to review research in pediatric nutrition. The nutrition advisory panel will also submit recommendations to the State Board to consider when they establish or amend nutritional content standards. The panel will meet every five years after their initial recommendations to review their findings and make recommendations for changes as appropriate. If you have any questions about the nutritional content standards, please contact Julia Thorius at julia.thorius@iowa.gov or 515.281.4757.

Question 1: When will the nutritional content standards be amended?

The State Board of Education will adopt rules during the 2008-2009 school year that outline nutritional content standards for food and beverages sold or provided on school grounds during the school day. These will exclude school lunch programs, foods sold for fundraising, and foods and beverages sold at concession stands. The State Board shall consider the recommendations of the advisory panel when establishing or amending the rules. The rules process will not be complete until early in 2009, and will be in effect for the 2009-2010 school year.

Question 2: Will school districts be monitored for compliance with nutritional content standards?

Yes. The Department will monitor school districts and accredited nonpublic schools for compliance with the nutritional content standards for foods and beverages adopted by the State Board in accordance with Section 256.7, Subsection 29. **Compliance monitoring for this area will be determined in the rules.**

Physical Activity and CPR Requirements

(Amends Section 256.11, Subsection 6, Code Supplement 2007). Requirements for physical activity will not go into effect until the 2009-2010 school year. The requirement for graduates to complete a CPR certification course will begin with the graduating class of 2011-2012.

Students in grades K-12 will be required to engage in physical activity for the following amounts of time:

- Students in kindergarten through grade five a minimum of 30 minutes per school day.
- Students in grades six through twelve a minimum of 120 minutes per week.

A school district or accredited nonpublic school shall not reduce instructional time for academic courses in order to meet the physical activity requirements.

Students in grade twelve shall complete a certification course for CPR beginning in the 2011-2012 school year. The administrator of a school may waive this requirement if the student is not physically able to successfully complete the training. A student is exempt from the CPR requirement if the student presents satisfactory evidence to the school district or accredited nonpublic school that the student completed the certification course for CPR through another organization certified to offer the training.

A student is not required to enroll in either physical education, health courses, participate in physical activity, or take CPR if the student's parent or guardian files a written statement with the school principal that the course or activity conflicts with the pupil's religious belief.

Question 3: How will physical activity be defined?

This will be defined in the rulemaking process.

Question 4: Will organized and supervised athletic programs or nonschool sponsored extracurricular activities exempt students from the physical activity requirement for the portion of the school year in which they participate?

The statutory intent is to allow many of these activities to count toward the physical activity requirement. Details will be forthcoming when the rulemaking process is complete in early 2009.

Question 5: Are graduating classes (starting with the class of 2011-2012) required to have CPR certification when they graduate?

No. They are only required to have completed a CPR certification course.

Assistance for Schools

The Department has convened a working group of elementary and secondary fitness professionals and stakeholders so clear guidance and examples can be given to schools. The working group will assist the Department with the following:

- To define physical activity and develop physical activity requirements.
- To provide guidance in the rulemaking process for Senate File 2425.
- To develop models that describe ways in which school districts and schools may incorporate physical activities for students into the educational program.

This information will be used to guide implementation of this legislation and identify implications for future policy or statute. If you have any questions about the physical activity or CPR requirements, please contact Kevin Fangman at kevin.fangman@iowa.gov or 515.281.3333 for additional information.

Dieticians

(Amends Iowa Code Section 273.2, Code 2007, new Subsection 7) This amendment requires AEAs to contract with one or more licensed dieticians beginning in the 2008-2009 school year. Dieticians are to provide.... "support of the nutritional provisions in individualized education plans (IEPs) developed in accordance with Chapter 256B."

A student with an IEP should already have a plan in place if dietary services are needed. The AEA dietician would be available to schools for consultation for those services as necessary. If you have additional questions on the guidance pertaining to dieticians, please contact Julie Curry at julie.curry@iowa.gov or 515.281.5437.